



**THE ATTORNEY GENERAL  
OF TEXAS**

**WAGGONER CARR  
ATTORNEY GENERAL**

**AUSTIN 11, TEXAS**

June 22, 1964

Mr. R. L. Coffman  
Administrator  
Texas Employment Commission  
Austin, Texas

Opinion No. C-271

Re: Travel expense of employees of Texas Employment Commission appearing before representatives of the Bureau of Employment Security, United States Department of Labor, at meetings with representatives of the various states to discuss methods of administration designed to further the Employment Security Program.

Dear Mr. Coffman:

Your request for an opinion reads in part as follows:

"I have been directed by the Commission to request an opinion concerning travel expenses allowable to employees of this agency while on out-of-state trips to represent the State before Federal agencies or agencies of other states.

"The interstate operations of this agency and its relation to the Federal government occasion a considerable amount of travel by representatives of the Commission to Washington, D.C. and to other states to represent the interests of the State.

". . .

"For internal administrative purposes, the Texas Employment Commission has published travel regulations which have been submitted to and approved by the Bureau of Employment Security, United States Department of Labor. The Commission's rules limit reimbursement for per diem on out-of-state travel to actual cost of the hotel room or similar accommodation, plus an allowance for meals not to exceed \$9.00 per day. Since all administrative funds of the Texas Employment Commission are derived from federal grants, the Bureau of Employment Security shares budgetary

control over Commission activities with the State. The Bureau of Employment Security has specifically approved expenditures for out-of-state per diem made in accordance with the Commission's internal travel regulation. So far as administrative practice is concerned, expense accounts of Commission employees charging out-of-state per diem in excess of \$15 per day have been routinely approved in the past, in appropriate cases, both by the State Comptroller and Federal authorities.

"As is evident, the Commission's policy and practice does not ordinarily permit the employee to receive even the full \$35 per diem allowed by the Legislature. However, it does permit reimbursement of the employee's actual expenses, which is very important on trips to Washington, D.C., New York, and some other large cities where a minimum-rate hotel room might alone require the entire \$15 per diem, if that was the limit allowable.

"We therefore respectfully request your opinion concerning whether employees of the Texas Employment Commission traveling out of state at the direction of the Commission to represent the State before Federal agencies and agencies of other states must appear at what could be termed a 'hearing' in order to be entitled to out-of-state per diem in excess of \$15 per day."

Subdivision c of Section 17 of Article V of the current Appropriation Act provides:

"Any Assistant Attorney General, or representative of the State Health Department, or representative of the Adjutant General, or representative of the State Board of Education, or representative of the Department of Public Welfare, or representative of the State Highway Commission, or representative of the Railroad Commission, or representative of the Texas Employment Commission, when any of the employees of these departments are directed by the appropriate governing board or department head to represent the State before any Federal agencies or agencies of other states in any other state or Washington, D.C., shall receive actual meals, lodging and incidental expenses, not to exceed Thirty-five Dollars (\$35) per day."

The Comptroller of Public Accounts has refused to pay the expense accounts referred to in your request for the reason that in his opinion said travel does not come within the provisions of the General Appropriation Act above quoted. You state in your request that such travel was upon the express direction of the Texas Employment Commission; that such travel was made for the purpose of appearing "before representatives of the Bureau of Employment Security, United States Department of Labor at meetings with representatives of various states to discuss methods of administration designed to further the Employment Security Program."

It is noted, under the facts submitted, that employees of an agency named in Subdivision c of Section 17 were directed by the appropriate governing board to represent the State before representatives of Federal Agencies; therefore, such travel is in compliance with the provisions of the General Appropriation Act, and such employees are entitled to receive actual meals, lodging, and incidental expenses not to exceed \$35.00 per day.

Employees of the Texas Employment Commission traveling out of the state when directed by the Commission to represent the states before Federal Agencies and agencies of other states to discuss methods of administration designed to further the Employment Security program are entitled to receive actual meals, lodging and incidental expenses not to exceed \$35.00 per day, pursuant to the provisions of Subdivision c of Section 17 of Article V of the General Appropriation Act.

#### SUMMARY

Employees of the Texas Employment Commission traveling out of the state when directed by the Commission to represent the states before Federal Agencies and agencies of other states to discuss methods of administration designed to further the Employment Security program are entitled to receive actual meals, lodging and incidental expenses not to exceed \$35.00 per day, pursuant to the provisions of Subdivision c of Section 17 of Article V of the General Appropriation Act.

Yours very truly,

WAGGONER CARR  
Attorney General

By *John Reeves*  
John Reeves  
Assistant

JR:wb

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APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman  
Pat Bailey  
Brady Coleman  
Allo Crow  
Linward Shivers

APPROVED FOR THE ATTORNEY GENERAL

BY: Stanton Stone